

REMARKS

The Office Action dated March 16, 2006 has been received and carefully studied.

The Examiner newly rejects claims 5-9 under 35 U.S.C. §102(e) as being anticipated by Morrison et al., U.S. Patent No. 6,789,671.

By the accompanying amendment, claim 5 has been amended to positively recite that the housing, when in use, encloses the locking mechanism and secures any excess tie-down strap formed after tensioning the strap with the locking mechanism. In contrast, the locking mechanism 28 of Morrison et al. is not enclosed by any housing when in use; it remains exposed on the tether 16. Indeed, Morrison et al. nowhere contemplates such enclosure, instead relying on the thickness and durability of the tether to protect the secured equipment from damaged by the locking mechanism:

"The tether 16 must be thick and durable enough to protect any secured equipment from being damaged by the buckle 28. Nylon webbing is a preferred material, but canvas and neoprene are also suitable."

Column 3, lines 40-43. Indeed, even were one to somehow fold the sheath 12 or the bag 18 over the locking mechanism 28 during use (which is not contemplated by Morrison et


al.), the locking mechanism would still not be "enclosed" as required by the instant claims.

The design of the present cargo tie-down system has several advantages over the system of Morrison et al. When a ratchet is used as the locking mechanism, the ratchet must be folded out 180° to a flat position in order to release the strap tension. With the sack folded over the ratchet (and flaps folded over the sack as in claim 7), the ratchet cannot unfold to an open position. The same is not true of the Morrison et al. device. In addition, when a load shifts during transit, the tie-down device can roll over. Since the instant system encloses the locking mechanism, the cargo or the vehicle hauling the cargo will not be damaged by the locking mechanism in the present invention. The same is not true of the Morrison et al. device. Nor does the Morrison et al. device provide protection of the locking mechanism from snow, ice, freezing rain or mud. Furthermore, in the Morrison et al. device, there is a small area of free end strap exposed to the environment between the locking mechanism 28 and the sheath 14. This small exposed area could lead to the free end of the strap being "drawn out" of the bag 18, particularly at highway speeds. No free end strap is exposed in the design of the instant invention.

New claim 12 has been added to further define the invention.

Reconsideration and allowance of all pending claims are respectfully requested in view of the foregoing.

Respectfully submitted,


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